



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 28 2008

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas Kehoe, General Counsel
Alstom Power Inc.
2000 Day Hill Road
Windsor, Connecticut 06095

Dear Mr. Kehoe:

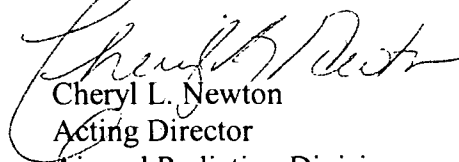
This is to advise you that the U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Alstom Power Inc. (you or Alstom). We find that you are violating Section 114(a) of the Clean Air Act (CAA or the Act), 42 U.S.C. § 7414(a).

We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

The EPA contacts in this matter are Susan Tennenbaum, Associate Regional Counsel, at (312) 886-0273, and Eaton Weiler, Associate Regional Counsel, at (312) 886-6041. You may call either of them to request a conference. You should make the request within five calendar days following receipt of this letter. We should hold any conference within 10 calendar days following receipt of this letter.

Sincerely,



Cheryl L. Newton
Acting Director
Air and Radiation Division

cc: Anne Gobin, Chief
Bureau of Air Management
Connecticut Department of Environmental Protection

Enclosure

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Alstom Power Inc.)	FINDING OF VIOLATION
Windsor, Connecticut)	
)	EPA-5-09-IL-01
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	
)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Alstom Power Inc. (Alstom) is violating Section 114(a) of the Clean Air Act (Act), 42 U.S.C § 7414(a), as follows:

Regulatory Authority

1. Under Section 114(a)(1) of the CAA, the Administrator of EPA "may require any person . . . who the Administrator believes may have information necessary for the purposes set forth in this subsection . . . on a one-time, periodic or continuous basis to -- [among other things] provide such information as the Administrator may reasonably require."
42 U.S.C. § 7414(a)(1). Under Section 114(a), the "purposes set forth in this subsection" include "determining whether any person is in violation of [the Clean Air Act]."
42 U.S.C. § 7414(a). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

General Background

2. Alstom is a corporation with its headquarters located at 2000 Day Hill Road, Windsor, Connecticut.
3. Alstom designs, manufactures and supplies products and systems to, including but not limited to, the power generation industry for gas, coal, wind and hydro power plants. Alstom also conducts retrofitting, upgrading, refurbishing and modernizing of existing power plant equipment.
4. Alstom is subject to the requirements of Section 114(a) of the Act, 42 U.S.C. § 7414(a).
5. On March 24, 2008, EPA issued to Alstom a request for information pursuant to Section 114(a) of the Act (information request). The information request required Alstom to

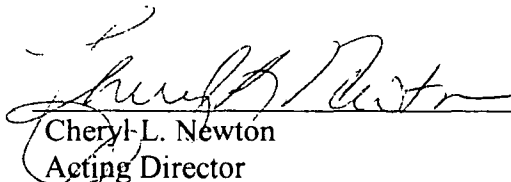
submit information regarding six electric-generating stations currently owned and operated by Midwest Generation LLC and formerly owned and operated by Commonwealth Edison Company.

6. The request required Alstom to submit the requested information within 30 calendar days of receipt of the request. Alstom received the information request on or about March 31, 2008, per the certified mail receipt signed by Thomas Kehoe.
7. Item No. 1 of the information request identified the stations and units subject to the request.
8. The information request required Alstom to submit information described in item Nos. 2 - 7 of the request.
9. On April 17, 2008, Alstom requested and EPA granted an extension of time to May 19, 2008, for Alstom to respond to the request. Subsequently, Alstom requested and EPA granted an additional extension of time to May 27, 2008, for Alstom to respond to the request.

Violation

10. To date, Alstom has not submitted the information described in item Nos. 2 -7 of the information request, or certified that it has no such information in its control.
11. Alstom violated and continues to violate the Section 114(a) of the Act, 42 U.S.C. § 7414(a), by failing to submit and the information required by the March 21, 2008, information request.

10/28/08
Date


Cheryl L. Newton
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

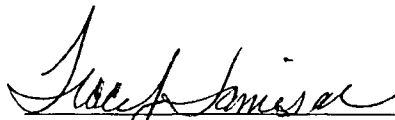
I, Tracy Jamison, certify that I sent a Finding of Violation, No. EPA-5-09-01, by Certified Mail, Return Receipt Requested, to:

Thomas Kehoe, General Counsel
Alstom Power Inc.
2000 Day Hill Road
Windsor, Connecticut 06095

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First Class Mail to:

Anne Gobin, Chief
Bureau of Air Management
Connecticut Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106

on the 30 day of October, 2008.



Tracy Jamison
Administrative Assistant
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 OCT 01 0184 1931